

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC., )  
Plaintiff/Counter-Defendant )  
)  
v. ) Civil Action No. 04-1278-KAJ  
PECHINEY PLASTIC PACKAGING, INC. )  
)  
Defendant/Counter-Plaintiff. )

**JOINTLY FILED PROPOSED VOIR DIRE**

The parties jointly file this proposed voir dire for the Court's consideration. The Court's standard introduction and voir dire questions (nos. 1-16) are followed by Cryovac's Additional Proposed Voir Dire Questions nos. 17-26 and Pechiney's Additional Proposed Voir Dire Questions nos. 27-36. The parties are submitting alternate voir dire questions for the Court's standard voir dire question nos. 8, 9, and 10.

**PROPOSED VOIR DIRE**

Good morning, ladies and gentlemen. I am Judge Jordan, and I will be presiding over the trial for which a jury is about to be drawn in this case. The parties are Cryovac, Inc. and Pechiney Plastic Packaging, Inc. Briefly stated, this is a case involving allegations of patent infringement and tortious interference with contracts. The defendant denies that the patent is valid, that Cryovac had a contract, that Pechiney knew of any contract, and that Pechiney interfered.

This trial may last up to two weeks or ten business days. I time my trials, so the attorneys will have to complete their trial presentations within these limits. While it appears unlikely at this point, jury deliberations may require you to be present longer than that number of days.

I am going to ask you a series of "yes or no" questions, the purpose of which is to: (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment in helping to determine the final composition of the jury. If any of you have a "yes" answer to any of my questions, please keep track of that in your own mind. When I have concluded asking all the questions I will ask all those who had a "yes" answer to any of my questions to raise their hands. Then we will call you to the bench individually to speak with you about your affirmative response or responses.

#### **ADMINISTER THE OATH TO THE PANEL**

1. As I mentioned, this case is expected to take ten or less business days to try. Is there any member of the panel who would be unable to sit as a juror in the case for that period of time?
  
2. Do you know anything about this case?
  
3. Plaintiff is represented by the law firms of YOUNG CONAWAY STARGATT & TAYLOR, LLP and FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP. You have been given a list of lawyers from those law firms representing the Plaintiff. Do you know, or are you a client of any of those lawyers or their law firms?

4. Defendant is represented by the law firms of CONNOLLY BOVE LODGE & HUTZ LLP and JENNER & BLOCK LLP. You have been given a list of lawyers from those law firms representing the Defendant. Do you know, or are you a client of any of those lawyers or their law firms?

5. Is any member of the panel related to or personally acquainted with any officer, director, or employee of Cryovac, Sealed Air Corp., Pechiney Plastic Packaging, Alcan Packaging, or American National Can?

6. Are you or any of your family members a present or former employee of Cryovac, Sealed Air Corp., Pechiney Plastic Packaging, Alcan Packaging, or American National Can?

7. You have been given a two-page list of witnesses that may be called in this case. Do you know any of the witnesses on that list?

8A. Do you have any specialized training in the fields of meat packaging or plastic packaging? [CRYOVAC'S PROPOSAL]

8B. Do you have any specialized training in the fields of plastic packaging?  
[PECHINEY'S PROPOSAL]

9A. Do you have any knowledge about, or any familiarity with the fields of meat packaging or plastic packaging? [CRYOVAC'S PROPOSAL]

9B. Do you have any knowledge about, or any familiarity with the field of plastic packaging? [PECHINEY'S PROPOSAL]

10A. Do any of your immediate family members work in the meat packaging or plastic packaging industry? [CRYOVAC'S PROPOSAL]

10B. Do any of your immediate family members work in the plastic packaging industry? [PECHINEY'S PROPOSAL]

11. Do you have any feelings or beliefs about patent or contract cases in general or damages awards that would influence your decision in a case like this one?

12. Would you be unable to render a fair and impartial verdict based solely upon the evidence presented in court and under the law as presented to you?

13. Have you ever been a party in a lawsuit?

14. Have you, any member of your family, or any close personal friend ever been involved in a dispute about a contract, patent, or other intellectual property (such as a copyright, trademark, or trade secret)?

15. Have you or any member of your family ever suffered patent infringement, or tortious interference with actual or prospective contracts?

16. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

**CRYOVAC'S ADDITIONAL PROPOSED VOIR DIRE QUESTIONS:**

17. Do any of you have any strong feelings or beliefs about the consumption of meat, the meat production or packaging industries, or the fresh red meat supply?

18. Have you or any of your immediate family members ever been involved in research and development work?

19. Have you, any member of your family, or any close personal friend ever applied for a patent, copyright, or trademark?

20. Do you have any experience in working with patents?

21. Do you have any experience in negotiating contracts for a business?

22. Do you have any strong feelings or beliefs about the patent system?

23. Do you have any views about how easy or difficult it is to get a patent?

24. Do you have any strong positive or negative feelings about litigation or lawsuits?

25. Is there anything about your beliefs or prior experiences that might affect the way you would evaluate a patent dispute?

26. Have you ever been a juror before in a civil lawsuit?

**PECHINEY'S ADDITIONAL PROPOSED VOIR DIRE QUESTIONS:**

27. Have you ever applied for a patent?

28. Have you ever thought of an idea that later someone else made a lot of money from?

29. Have you ever felt taken advantage of in a business deal or financial transaction?

30. Have you ever worked for a company that was hurt when it lost one of its main customers?

31. Have you ever been downsized or forced to take a cut in pay or benefits?

32. Has anyone ever broken a binding agreement with you?
33. Have you ever had a bad experience with a large corporation?
34. Would you have difficulty treating a foreign company the same way you would treat an American company?
35. Have you ever been a member of a union?
36. Are you a regular user of the internet?

**Attorneys:**

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**Cryovac Witnesses:**

**Expert witnesses:**

Dr. Garth L. Wilkes  
James J. Nawrocki  
Robert J. Kimmel

**Fact witnesses:**

Kelly Ahlgren  
Duane Buelow  
Richard Company  
Karl Deily  
Michael Douglas  
Rev. Ennis Fant  
Steven L. Fuller  
Steve Garland  
Tom Grabowski  
Steve James  
Tommy Kay  
Frank Kitchell  
James Mize  
Chad Mueller  
Mark Quatt  
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David Stringer  
Robert Taylor  
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**Pechiney Witnesses:**

**Expert witnesses:**

Larry Evans  
Dr. Eldridge Mount

**Fact witnesses:**

Kelly Ahlgren  
Luis Bogran  
Duane Buelow  
Richard Company  
Karl Deily  
Stratos Dimas  
Michael Douglas  
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Dated: May 10, 2006

/s/ N. Richard Powers

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